SINGLE BENCH

CF 2001
101

IN THE HIGH COURT OF CHHATTISGARH
AT BILASPUR

WRIT PETITION (C) No. 6153 /2006

PETITIONERS DEFENDANTS : Manoj Readymade Stores through : Proprietor Gopiram Agrawal S/o. Kundan Lal Agrawal aged about 60 years R/o. Kotraroad Sattigudi Chowk, Raigarh District Raigarh (C.G.)

:2) Gopiram Agrawal, S/o. Kundanlal Agrawal, aged about 60 years Sole Proprietor Manoj Readymade Stores, In front of Townhall, Raigarh District Raigarh (C.G.)

P.R. No. 6013/06
Presented by Shri Umesh Patel
dated 31-10-06
3:25 P.M.

VERSUS

RESPONDENTS PLAINTIFFS :1) Vivek Agrawal, S/o. Parmanand Agrawal, aged about 28 years, R/o. Subhash Chowk, Raigarh District Raigarh (C.G.)

:2) Ashish Agrawal, S/o. Parmanand Agrawal, aged about 22 years, R/o. Subhash Chowk, Raigarh District Raigarh (C.G.)

: 3) Parmanand Agrawal, S/o. Late Biharilal Agrawal, Occupaation Business, R/o. Subhash Chowk, Raigarh District Raigarh (C.G.)

(50)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(C).6153/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	10.1.2007: Hamida Siddiqui learned counsel for the petitioner. By this petition the petitioner has impugned the order of Annexure P-1 whereby his application filed under Order 14 Rule 5 of the CPC for framing additional issue has been rejected. Learned counsel for the petitioner submits that the application of the petitioner for amending his written statement has been allowed and accordingly the written statement stands amended. However, the trial Court did not frame the issue on the basis of amended written statement with respect to the ownership of the property. I have heard counsel for the petitioner and perused the material available before me. The suit is based on the ground enumerated in section 12 (1)(e) of the Chhattisgarh Accommodation Control Act where the plaintiff is required to plead and prove that he is the owner of the suit property for obtaining decree on the ground of bona fide need. It is not disputed that there is already an issue framed by the Court below to the effect that whether there is relationship of landlord and tenant between the plaintiff and the defendant or not. In view of above this Court is of the considered opinion that there is no illegality or jurisdictional error in the order impugned which warrants any interference from this Court in exercise of the jurisdiction under Article 227 of the Constitution of India. Thus the petition being substance-less is liable to dismissed and it is hereby dismissed. In view of this order MWP No. 4550/2006 for interim relief stands disposed of. Sd/- Dhirendra Mishara Judge	

P.T.O.